

TMS/TFH: USAO 2017R00264

JUL 19 2017

AT GREENBELT
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

**NATHAN SERGIO LATIMORE, and
JAMES LORENZO THOMAS JR.,**

Defendants

CASE NO.

CASE NO.

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINTS AND ARREST WARRANTS**

I, Brian M. Treacy, ("Your Affiant"), a Special Agent with the Federal Bureau of Investigation ("FBI"), being duly sworn, depose and state as follows:

1. I am a Special Agent with the FBI, and have been so employed since 2002. I am currently assigned to a Baltimore Division Violent Crimes Squad, where I am responsible for the investigation of violent and threat-based crimes, including bank robbery, Hobbs Act robberies, extortion, and kidnapping. During my career as an FBI Special Agent, I have participated in numerous violent crimes investigations. In addition, I have received both formal and informal training from the FBI regarding violent crimes investigations.

2. This Affidavit is submitted in support of the attached Complaints and Arrest Warrants. Your Affiant submits that based on the facts set forth herein, there is probable cause to believe that on or about April 6, 2017, in the District of Maryland, Defendants **NATHAN SERGIO LATIMORE ("LATIMORE")** and **JAMES LORENZO THOMAS JR. ("THOMAS")** committed the following violations of federal law:

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[Handwritten date: 7/14/17]

- a. **Count One**: Interference with Commerce by Robbery, in violation of Title 18, United States Code, Section 1951 (Domino's Pizza);
- b. **Count Two**: Use, Carry and Brandish a Firearm During and in Relation to a Crime of Violence (Count One), in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii);
- c. **Count Three**: Interference with Commerce by Robbery, in violation of Title 18, United States Code, Section 1951 (CubeSmart);
- d. **Count Four**: Use, Carry and Brandish a Firearm During and in Relation to a Crime of Violence (Count Three), in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii);
- e. **Count Five**: Interference with Commerce by Robbery, in violation of Title 18, United States Code, Section 1951 (GameStop);
- f. **Count Six**: Use, Carry and Brandish a Firearm During and in Relation to a Crime of Violence (Count Five), in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii); and
- g. **Count Seven**: Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g).

3. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of arrest warrants, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. I have not, however, excluded any information known to me that would defeat a determination of probable cause. The information contained in this Affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers and other individuals. All conversations and statements described in this Affidavit are related in substance and in part unless otherwise indicated.



PROBABLE CAUSE

4. On April 6, 2017, at approximately 11:47 a.m., Prince George's County Police Department ("PGPD") officers responded to 6426 Old Branch Avenue, Camp Springs, Maryland, for a report of a commercial armed robbery at a Domino's Pizza restaurant located at 5706 Silver Hill Road, District Heights, Maryland ("Domino's Pizza"). Upon arrival, the victim advised that at approximately 11:32 a.m., two suspects entered the Domino's Pizza. Suspect 1 removed a pry bar from his backpack and broke the glass out of the security door. Suspect 1 and Suspect 2 entered the employee area through the broken door. Suspect 1 pointed a black semiautomatic handgun at the victim and told him/her to get on the ground. The victim complied with the suspect's demands. The suspects then ran to the office area at the back of the store. Suspect 1 handed the weapon to Suspect 2, who returned to the victim lying at the front of the store. Suspect 2 pointed the weapon at the victim and told the victim to open the safe in the office. The victim told the suspects that the victim did not have the code. Suspect 2 told the victim to open the register. The victim complied and opened the register. Suspect 1 went to the rear exit door. Suspect 2 removed the register drawer and fled to the door at the rear of the store. Suspect 1 held open the black backpack while Suspect 2 dumped the contents of the drawer, approximately \$120 in United States currency, into the backpack. Suspect 2 dropped the drawer and both suspects fled from the store through the rear door.

5. On April 6, 2017, at approximately 11:55 a.m., PGPD officers responded to the CubeSmart located at 7805 Old Alexandria Ferry Road, Clinton, Maryland, for a reported commercial armed robbery. On scene, the victim reported that Suspect 1 and Suspect 2 entered the business where Suspect 1 produced a black, semi-automatic handgun from a black bag and ordered the victim to open the cash drawer. The victim, fearing for his/her safety, complied and opened the drawer. Suspect 2 walked around the counter and removed an amount of United States

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currency, approximately \$83.90, from the drawer. Both suspects then walked out of the business making good their escape.

6. On April 6, 2017 at approximately 12:17 p.m., PGPD officers responded to the GameStop located at 5706 Silver Hill Road, District Heights, Maryland, for a reported commercial armed robbery. On scene, officers interviewed two victims. Victim 1 and Victim 2 stated that two males entered the store, one armed with a handgun, and committed a robbery. Suspect 1 was described as a black, male, 20-30 years of age, wearing a distinct grey pea coat, black mask, gloves, and grey New Balance shoes, armed with a black semiautomatic handgun. Suspect 2 was described as a black male, 20-30s, wearing a black hoodie, black mask, black pants, and black gloves. Suspect 1 approached Victim 1, cocked his handgun, and made a demand for all the money in the registers. Suspect 1 and Suspect 2 took approximately \$400.00 from the register. Suspect 2 searched Victim 2's person as Victim 2 was lying on the floor. Victim 2's identification card and bank card were stolen from his/her person. Both suspects went to the back of the business and took several PlayStation and Xbox consoles. Both suspects fled through the rear door of the business and made good their escape.

7. On April 6, 2017, at approximately 12:10 p.m., the FBI received an email from 3SI Security Systems, a private security company, indicating that a tracking device had been activated at the GameStop store located at 5706 Silver Hill Road, District Heights, Maryland ("GameStop"). 3SI Security Systems provides asset protection systems designed to recover cash and high-value assets. The company provides covertly packaged Global Positioning System ("GPS") devices designed to be disguised from criminals. These devices automatically and silently report the movement of the item so that the robbers are unaware that law enforcement has been notified. Law enforcement can access the tracking data emitted by the GPS via a secure website. The GPS

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location updates every 6 seconds. The GPS provides the location, direction of travel and speed of the GPS on a map, and the closest address. Email and/or text message alerts provide information on the status of the tracking device. In this instance, the FBI received an email indicating that a "Console Tracker PS4 COD Infinite" had been activated at the GameStop. At approximately 12:14 p.m., a second tracking device was activated. This notification was for "Cash Tracker register 1" from the GameStop.

8. An FBI employee monitored the movement of the 3SI tracker via the secure website and directed responding FBI Special Agents to the vicinity of 6320 Maxwell Drive, Camp Springs, Maryland, where the tracker had come to rest. Once at that location, FBI Special Agents learned that the Prince George's County Police Department had also been alerted to the robbery of the GameStop store.

9. Within one of the game consoles, a 3SI device activated once the item left the GameStop. Upon activation, the FBI and PGPD were notified and provided with the real-time location of the stolen game console. The GPS led agents and officers to the vicinity of 6320 Maxwell Drive, where **THOMAS** and **LATIMORE** were located in a green Toyota Camry. **THOMAS** and **LATIMORE** matched the physical description of the suspects who committed the armed robbery, and were wearing the same clothing the suspects were wearing during the GameStop, Domino's, and CubeSmart armed commercial robberies.

10. Investigation revealed that **LATIMORE** was residing with a female in an apartment in the apartment complex in which the Camry was located.

11. **THOMAS** and **LATIMORE** were taken into custody and transported to PGPD, Criminal Investigations Division ("CID"). At CID, **LATIMORE** waived his constitutional rights and admitted his involvement in the GameStop, Domino's, and CubeSmart armed commercial



robberies. **LATIMORE** identified and labeled both himself and **THOMAS** in surveillance photographs from the three robberies. **LATIMORE** also wrote a letter to his victims, confessing his crimes and apologizing to the victims.

12. **LATIMORE** further confessed to two other robberies that he committed with **THOMAS**: (1) a Cricket Wireless located at 8805 Woodyard Road, Clinton, Maryland, robbed by two males on March 24, 2017 at approximately 11:01 a.m.; and (2) the Sabor Casero Bakery located at 5920 Allentown Way, Temple Hills, Maryland, robbed by two males on March 21, 2017 at approximately 2:02 p.m. **LATIMORE** further identified and labeled both himself and **THOMAS** in surveillance photographs from both of these robberies.

13. A review of the investigation of the Cricket Wireless robbery revealed that two suspects robbed the store. One of the suspects in the Cricket Wireless robbery was described by witnesses as a black male, approximately 19 – 24 years of age, approximately 6'2", approximately 160 – 180 lbs., with a light complexion, and wearing a gray hoodie, blue jeans with gold streaks, black gloves, black mask, and armed with a black semi-automatic handgun. The second suspect was described as a black male, approximately 20 years of age, approximately 5'9", approximately 130 lbs., with a dark complexion, wearing a white long sleeve shirt, black pants, grey New Balance sneakers.

14. A review of the investigation of the Sabor Casero Bakery revealed that two suspects robbed the business. One of the suspects was described as a black male, approximately 6'0", wearing gray jeans, gray tennis shoes, grey hoodie, black gloves, and a black ski mask, carrying a black book bag, and armed with a black handgun. The second suspect was described as a black male, approximately 5'9", wearing black jeans, no gloves, black New Balance tennis shoes and



gray hoodie. The description of the suspects in both robberies matches that of **THOMAS** and **LATIMORE**.

15. On April 6, 2017, a state search warrant was executed on the Toyota Camry in which **LATIMORE** and **THOMAS** were arrested. Located in the Camry were the following items, among others:

- a) A black backpack;
- b) Check stubs bearing the name "Nathan Latimore" (inside the black backpack);
- c) A Hi-Point, .40 caliber semiautomatic firearm, bearing serial number 108682 (also inside the black backpack);
- d) Approximately \$574 in United States currency;
- e) a black ski mask;
- f) a gray pea coat similar to the coat worn during the robberies;
- g) an envelope from inside the pea coat bearing the name James Thomas;
- h) two unopened PlayStation 4 game consoles;
- i) two unopened PlayStation VRs;
- j) one unopened Xbox One console;
- k) a 3SI tracker from inside one of the PlayStation 4 consoles;
- l) one LG cellular telephone from the area between the center console and the front passenger seat
- m) a black Gap sweatshirt;
- n) a Cricket Wireless cellular telephone (stolen from the Cricket Wireless store located at 8805 Woodyard Road, Clinton, Maryland, on March 24, 2017);
- o) a fluorescent yellow construction vest; and
- p) a pair of blue jeans with gold streaks.

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16. A review of **LATIMORE'S** criminal history indicates that in 2008, under case number CT071550X, he was convicted of Robbery (MD Criminal Law Code § 3-402), Use Handgun/Crime of Viol/Comm (MD Criminal Law Code § 4-204) in Maryland, both felonies, and was sentenced to incarceration for fifteen years, all but seven years suspended; and fifteen years concurrent, all but five years suspended, respectively.

17. A review of **THOMAS'S** criminal history indicates that in 2006, under case number CT051834A, **THOMAS** was convicted of Burglary/2nd Deg/Sths/Arson/Th (MD Criminal Law Code § § 6-203), a felony, and was sentenced to incarceration for ten years, all but six months suspended. In 2008, case number CJ080197, he was convicted of Motor Vehicle Theft (MD Criminal Law Code § § 7-105), a felony, and was sentenced to incarceration for 1 month and 15 days.

18. I have conferred with a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, who advised your Affiant that the Hi-Point .40 caliber semiautomatic firearm recovered in the Camry was manufactured outside the State of Maryland, and, therefore, travelled in or otherwise affected interstate commerce before its recovery by law enforcement on April 6, 2017.

19. Your Affiant knows that the commercial businesses referenced in this Affidavit (GameStop, Domino's, and CubeSmart) engage in interstate commerce by, among other things, purchasing consumer goods or items used in the business (i.e., Xbox consoles from GameStop; pizza sauce from Domino's; and Sharpie markers, box cutters, and DampRid from CubeSmart) for sale or use in Maryland that were manufactured outside the State of Maryland, and were transported in interstate commerce prior to their use and/or sale in Maryland.



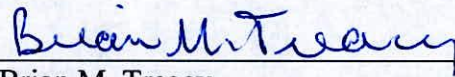
CONCLUSION

20. Based upon the information set forth in this affidavit, I believe that sufficient probable cause exists to believe that **NATHAN SERGIO LATIMORE** and **JAMES LORENZO THOMAS JR.** committed the following violations of federal law, in the District of Maryland, on or about April 6, 2017:

- a. **Count One**: Interference with Commerce by Robbery, in violation of Title 18, United States Code, Section 1951 (Domino's Pizza);
 - b. **Count Two**: Use, Carry and Brandish a Firearm During and in Relation to a Crime of Violence (Count One), in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii);
 - c. **Count Three**: Interference with Commerce by Robbery, in violation of Title 18, United States Code, Section 1951 (CubeSmart);
 - d. **Count Four**: Use, Carry and Brandish a Firearm During and in Relation to a Crime of Violence (Count Three), in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii);
 - e. **Count Five**: Interference with Commerce by Robbery, in violation of Title 18, United States Code, Section 1951 (GameStop);
 - f. **Count Six**: Use, Carry and Brandish a Firearm During and in Relation to a Crime of Violence (Count Five), in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii);
- and



g. **Count Seven**: Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g).



Brian M. Treacy
Special Agent
Federal Bureau of Investigation

Sworn to before me this 14 day of July, 2017.



HONORABLE THOMAS M. DIGIROLAMO
UNITED STATES MAGISTRATE JUDGE